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5
6 **UNITED STATES DISTRICT COURT**
7 **NORTHERN DISTRICT OF CALIFORNIA**
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9
10 ADOBE SYSTEMS INCORPORATED,
11

12 Plaintiffs,

13 vs.

14
15 EDUARD SARKISOV
16

17 Defendant.

Case No. C 08-0936 (PJH)

**DEFENDANT'S ANSWER AND
AFFIRMATIVE DEFENSES**

18 Defendant, Eduard Sarkisov (hereinafter "Defendant"), by and through his undersigned
19 counsel, hereby answers the Complaint (hereinafter "Complaint") of Adobe Systems, Incorporated
20 ("Adobe" or "Plaintiff") and states as follows:
21

22 **Introduction**

23 Defendant answers the Complaint as follows.

- 24 1. Defendant denies the allegations of paragraph 1 of the Complaint.
25 2. Defendant is without sufficient information as to the truth of allegations of Paragraph
26 2 of the Complaint and therefore denies the same.
27 3. Defendant denies the allegations of paragraph 3 of the Complaint
28

4. Defendant denies the allegations of paragraph 4 of the Complaint.

II. JURISDICTION AND VENUE

5. Defendant denies the allegations of paragraph 5 of the Complaint.

6. Defendant denies the allegations of paragraph 6 of the Complaint.

III. THE PARTIES

7. Defendant is without sufficient information as to the truth of allegations of Paragraph 7 of the Complaint and therefore denies the same.

8. Defendant is without sufficient information as to the truth of allegations of Paragraph 8 of the Complaint and therefore denies the same.

9. Defendant is without sufficient information as to the truth of allegations of Paragraph 9 of the Complaint and therefore denies the same.

10. Defendant is without sufficient information as to the truth of allegations of Paragraph 10 of the Complaint and therefore denies the same.

11. Defendant is without sufficient information as to the truth of allegations of Paragraph 11 of the Complaint and therefore denies the same.

12. Defendant admits he is a resident of Van Nuys, CA but denies the remaining allegations of paragraph 12 of the Complaint.

13. Defendant is without sufficient information as to the truth of allegations of Paragraph 13 of the Complaint and therefore denies the same.

14. Defendant is without sufficient information as to the truth of allegations of Paragraph 14 of the Complaint and therefore denies the same.

15. Defendant is without sufficient information as to the truth of allegations of Paragraph 15 of the Complaint and therefore denies the same.

16. Defendant denies the allegations of paragraph 16 of the Complaint.

1 17. Defendant is without sufficient information as to the truth of allegations of Paragraph
2 17 of the Complaint and therefore denies the same.

3 18. Defendant denies the allegations of paragraph 18 of the Complaint.

4 **FIRST CLAIM FOR RELIEF**

5 **(Copyright Infringement)**

6 19. Defendant denies the allegations of paragraph 19 of the Complaint.

7 20. Defendant denies the allegations of paragraph 20 of the Complaint.

8 21. Defendant denies the allegations of paragraph 21 of the Complaint.

9 22. Defendant denies the allegations of paragraph 22 of the Complaint.

10 23. Defendant denies the allegations of paragraph 23 of the Complaint.

11 **SECOND CLAIM FOR RELIEF**

12 **(Trademark Infringement)**

13 24. Defendant denies the allegations of paragraph 24 of the Complaint.

14 25. Defendant denies the allegations of paragraph 25 of the Complaint.

15 26. Defendant denies the allegations of paragraph 26 of the Complaint.

16 27. Defendant denies the allegations of paragraph 27 of the Complaint.

17 28. Defendant denies the allegations of paragraph 28 of the Complaint.

18 29. Defendant denies the allegations of paragraph 29 of the Complaint.

19 **AFFIRMATIVE DEFENSES**

20 Defendant states the following facts as separate affirmative defenses to Adobe's Complaint
21 filed against him.

22 **FIRST AFFIRMATIVE DEFENSE**

23 Defendant alleges that the Complaint fails to state a claim upon which relief can be granted.

24 **SECOND AFFIRMATIVE DEFENSE**

1 Defendant alleges that recovery is barred in that any of actions taken were in the nature of
2 exercise of a valid contractual and legal right.

3 **THIRD AFFIRMATIVE DEFENSE**

4 Defendant alleges that recovery is barred by the doctrine of unclean hands.

5 **FOURTH AFFIRMATIVE DEFENSE**

6 Defendant alleges that recovery is barred since use of the copyrights, if any was a fair use.

7 **FIFTH AFFIRMATIVE DEFENSE**

8 Defendant alleges that recovery is barred since use of the trademarks, if any was a fair use.

9 **SIXTH AFFIRMATIVE DEFENSE**

10 Defendant's conduct was not the cause in fact or the proximate cause of any of the damages
11 alleged by Adobe.

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14 Dated: March 31, 2008

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17 By: 

18 Cheryl L. Hodgson
19 HODGSON LAW GROUP
20 9606 Santa Monica Blvd., Third Floor
21 Beverly Hills, CA 90210
22 Attorney for Defendant
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PROOF OF SERVICE

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 9606 Santa Monica Boulevard, Third Floor, Beverly Hills, California 90210.

On April 1, 2008, I served the foregoing documents described as **ANSWER AND AFFIRMATIVE DEFENSES** on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope as follows:

J. Andrew Coombs
 Attorney at Law
 517 East Wilson Avenue, Suite 202
 Glendale, CA 91206

☒ **(BY UNITED STATES MAIL)** I deposited such envelope in the mail at Beverly Hills, California. The envelope was mailed with postage fully prepaid. I am "readily familiar" with this firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

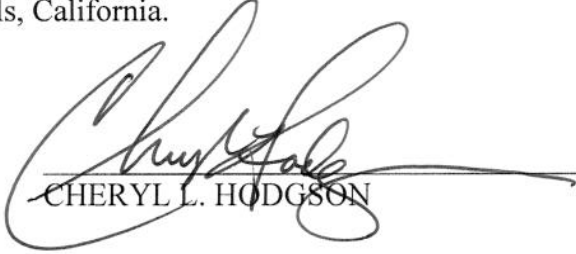
☐ **(BY TELEFAX)** I caused such document to be transmitted via telefax to the offices of the addressee(s), telefax number:

☐ **(BY PERSONAL SERVICE/MESSENGER)** I delivered such envelope by hand via messenger service to the office of the addressee.

☐ **(State)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ **(Federal)** I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on April 1, 2008 at Beverly Hills, California.


 CHERYL L. HODGSON